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8 IN THE UNITED STATES DISTRICT COURT FOR THE
9 EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,) CR-S-05-0136-WBS
12)
Plaintiff,) PRELIMINARY ORDER OF
13) FORFEITURE
v.)
14)
THOMAS RICHARD SPANGLER,)
15)
Defendant.)
16 _____)

17 Based upon the plea agreement entered into between plaintiff
18 United States of America and defendant Thomas Richard Spangler, it
19 is hereby

20 ORDERED, ADJUDGED AND DECREED as follows:

21 1. Pursuant to 18 U.S.C. § 2253, defendant Thomas Richard
22 Spangler's interest in the following property shall be condemned and
23 forfeited to the United States of America, to be disposed of
24 according to law:

25 1. eMachine, model number T3085, serial number
26 CA142G0006137.

27 2. The above-listed property was used or intended to be used
28 to commit or to promote the commission of a violation of 18 U.S.C. §

1 2252(a)(4)(B).

2 3. Pursuant to Rule 32.2(b), the Attorney General (or a
3 designee) shall be authorized to seize the above-described property.
4 That the aforementioned forfeited property shall be seized and held
5 by the United States Department of Homeland Security, Immigration
6 and Customs Enforcement, in its secure custody and control.

7 4. a. Pursuant to 18 U.S.C. § 2253(m)(1) incorporating 21
8 U.S.C. § 853(n), and Local Rule 83-171, the United States forthwith
9 shall publish at least once for three successive weeks in the Record
10 Searchlight (Shasta County), a newspaper of general circulation
11 located in the county in which the above-described property was
12 seized, notice of this Order, notice of the Attorney General's (or a
13 designee's) intent to dispose of the property in such manner as the
14 Attorney General may direct, and notice that any person, other than
15 the defendant, having or claiming a legal interest in the above-
16 listed property must file a petition with the Court within thirty
17 (30) days of the final publication of the notice or of receipt of
18 actual notice, whichever is earlier.

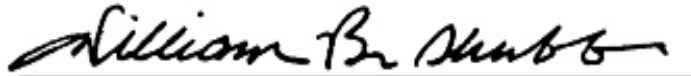
19 b. This notice shall state that the petition shall be for
20 a hearing to adjudicate the validity of the petitioner's alleged
21 interest in the property, shall be signed by the petitioner under
22 penalty of perjury, and shall set forth the nature and extent of the
23 petitioner's right, title or interest in the forfeited property and
24 any additional facts supporting the petitioner's claim and the
25 relief sought.

26 c. The United States may also, to the extent practicable,
27 provide direct written notice to any person known to have alleged an
28 interest in the property that is the subject of the Order of

1 Forfeiture, as a substitute for published notice as to those persons
2 so notified.

3 5. If a petition is timely filed, upon adjudication of all
4 third-party interests, if any, this Court will enter a Final Order
5 of Forfeiture pursuant to 18 U.S.C. § 2253 in which all interests
6 will be addressed.

7 SO ORDERED this 14th day of September, 2005.

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10 WILLIAM B. SHUBB
11 UNITED STATES DISTRICT JUDGE
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